IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20991 of 2004

Between:

The Depot Manager, APSRTC, Chittoor Depot, Chittoor.

..... PETITIONER

AND

1 V.V.Subbaiah, s/o Venkataiah,
R/o 14-14-1, Ramnagar Colony, Chittoor.
2 The Presiding Officer, Industrial Tribunal, Labour Court, Anantapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to and in connection with order in EP No.12/2001 in I.D.No.230/87, dt.27-7-2004 on the file of the 2nd respondent and quash the same as arbitrary and illegal by way of writ of certiorari or any other appropriate order or direction as this Hon'ble Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.VINAYAKA SWAMY

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following:

ORDER:

The petitioner approached this Court through this writ petition to quash the proceedings in E.P.12/2001 in I.D.No.230/87 dated 27-7-2004.

The petitioner imposed a punishment of removal on the first respondent through its order, dated 3-7-1987. The first respondent preferred I.D.No.230/87 before the 2nd respondent-Industrial Tribunal, Labour Court, Ananthapur, and the said Court through the order, dated 3-1-1989 ordered reinstatement of the first respondent with full back wages.

The petitioner being aggrieved by the order of the 2nd respondent filed W.P.No.17212/89. In pursuance of an interim order of this Court the petitioner deposited 1/3rd of the back wages. Subsequently, the matter was dismissed by the Division Bench through the order, dated 24-4-1997 confirming the award of the 2nd respondent and directed the petitioner to pay the remaining amount payable towards backwages. But in the operative portion of the judgment, the Division Bench while directing the payment of remaining amount mentioned it as 1/3rd of the amount. The petitioner represents that the said 1/3rd amount was also paid as per the direction of the Division Bench. But the first respondent filed E.P.12/2001 for recovery of the

balance amount of 1/3rd of back wages. The order of the 2nd respondent clearly indicates that the petitioner has to pay full back wages to the first respondent. The order of the 2nd respondent was confirmed by a Division Bench of this Court in W.P.No.17212/89. Though the Division Bench in the last para of the judgment mentioned as 1/3rd of the amount, it was only a mistake and the intention of the Bench was expressly seen from the order. The Bench gave a direction for payment of remaining backwages by confirming the order of the 2nd respondent. The Bench might have gained an impression that 2/3rd amount was already paid. Therefore, the Bench mentioned the balance amount as 1/3rd of the amount.

The petitioner being aggrieved by the execution proceedings came forward with this writ petition seeking a clarification regarding the payment of the balance amount of backwages to the first respondent.

Having regard to the above circumstances, it is clarified that the petitioner is liable to pay 1/3rd of the backwages since the petitioner paid only 2/3rd of the backwages as on date.

The writ petition is accordingly disposed of with the above clarification. No order as to costs.

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Dr.G.YETHIRAJULU, J

Dated: 17th November, 2004

LSK/VS

To

1. The Presiding Officer,

Industrial Tribunal, Labour Court, Anantapur.

2. Two C.Cs. to the Government Pleader for Labour,

High Court Buildings, Hyderabad. (OUT)

3. Two C.D. Copies.